

AN ORDINANCE AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01 AND AMENDING ORDINANCE NO. 93-10-03; REZONING A TRACT OF LAND CONSISTING OF 175.04 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 149, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS HERETOFORE ZONED PLANNED DEVELOPMENT-BUSINESS CENTER AND IS HEREBY AMENDED TO INCORPORATE SIGNAGE DEVELOPMENT STANDARDS; DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that the Comprehensive Zoning Ordinance No. 00-11-01 and Ordinance No. 93-10-03 should be amended; and

WHEREAS, the City of Frisco, Texas ("Frisco") has received a request from Hall Phoenix/Inwood and Affiliates ("Applicant"), to rezone 175.04 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 149, in the City of Frisco, Collin County, Texas; and

WHEREAS, the City Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Comprehensive Zoning Ordinance No. 00-11-01 and Ordinance No. 93-10-03. Frisco's Comprehensive Zoning Ordinance No. 00-11-01 and Ordinance No. 93-10-03 are amended as follows: The zoning designation of the below-described property containing 175.04 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 149, in the City of Frisco, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto zoned Planned Development-Business is hereby amended to incorporate signage development standards. The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with 1) the statement of purpose and intent attached hereto as Exhibit "B", 2) the planned development standards attached hereto as Exhibit "C", 3) the conceptual plan attached hereto as Exhibit "D", and 4) the development schedule attached hereto as Exhibit "E". Exhibits "B", "C", "D", and "E" are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the City Secretary and retained as the original records and shall not be changed in any manner.
- b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Conflicting Ordinances. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This ordinance shall become effective from and after its adoption and publication as required by law and the Charter of Frisco.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____ 2001.

KATHLEEN A. SEEI, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

NAN PARKER
City Secretary

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorneys

DATE OF PUBLICATION: _____, Frisco Enterprise

EXHIBIT "A"
PROPERTY DESCRIPTION
HALL OFFICE PARK

175.04 ACRES
LEGAL DESCRIPTION

BEING a tract of land out of the Collin County School Land Survey, Abstract No. 149, in the City of Frisco, Collin County, Texas and being part of a 121.015 acre tract and a 49.0 acre tract described in deed to 15% Guaranteed Plus Land Income Fund, Ltd., recorded in Volume 3224, Page 493, Land Records of Collin County, Texas and being more particularly described as follows;

BEGINNING at a point for the intersection of centerline of County Road No. 1, with the centerline of Fifth Street, for the northeast corner of the beforementioned 49.0 acre tract and for the northwest corner of a 73.98 acre tract of land described in deed to Opubco Properties, Inc., recorded in Volume 2111, Page 516, Land Records of Collin County, Texas;

THENCE with the west line of said Opubco Properties, Inc. and along the centerline of Fifth Street, the following courses and distances to wit:

South 00° 20' 20" East, a distance of 1698.15 feet to a point for corner;

South 00° 05' 23" East, a distance of 1290.62 feet to a point for the northeast corner of a 40.118 acre tract described in deed to Raymond Williams, Jr., recorded in Volume 2929, Page 219, Land Records of Collin County, Texas;

THENCE with said north line, South 89° 51' 08" West, a distance of 1323.60 feet to a point for the northwest corner of said 40.118 acre tract and the northeast corner of a tract of land described in deed to Ray Hallford, recorded in the Land Records of Collin County, Texas;

THENCE with the north line of said Hallford tract, South 89° 34' 55" West, a distance of 457.29 feet to the northwest corner of the Hallford tract and a corner of STONEBRIAR CREEK SUBDIVISION, an addition to the City of Frisco, Texas according to the plat thereof recorded in the Map Records of Collin County, Texas;

THENCE with a north line of said subdivision the following courses and distances to wit:

South 89° 30' 29" West, a distance of 229.04 feet to a point for corner;

South 89° 54' 06" West, a distance of 139.99 feet to a point for corner;

South 89° 32' 34" West, a distance of 407.32 feet to a point for an ell corner of STONEBRIAR CREEK SUBDIVISION and the southwest corner of the beforementioned 121.015 acre tract;

THENCE with a east line of said subdivision and the east line of a 80.90 acre tract of land described in deed to M.B. Rudman Trust, et al, recorded in Volume 2408, Page 95, Land Records of Collin County, Texas, the following courses and distances to wit:

North 00° 03' 50" West, a distance of 265.02 feet to a point for corner;

North 00° 13' 41" East, a distance of 339.83 feet to a point for corner;

North 00° 13' 59" East, a distance of 517.56 feet to a point for corner;

North 00° 01' 18" West, a distance of 1872.34 feet to a point in the centerline of County Road No. 1 and being in the south line of a 100.37 acre tract of land

described in deed to Raymond Williams, Jr., recorded in Volume 2495, Page 616, Land Records of Collin County, Texas;
THENCE with said south line and the along said centerline, the following courses and distances to wit:

North 89° 45' 53" East, a distance of 723.92 feet to a point for corner;

South 89° 54' 07" East, a distance of 1558.84 feet to a point for corner;

North 88° 42' 00" East, a distance of 259.99 feet to the POINT OF BEGINNING and containing 175.04 acre of land.

EXHIBIT “A”

EXHIBIT "B"
STATEMENT OF INTENT AND PURPOSE

EXHIBIT "C"

PLANNED DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT-BUSINESS CENTER (PD-BS) **175.04 ACRES (TRACT A)**

This tract shall be development under the regulations set forth in Frisco Ordinance No. 93-10-03 and Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, subject to the following conditions.

A. Directional Signs

1. Definition – The following definitions and requirements shall replace the definition and requirements for directional signs afforded by Comprehensive Zoning Ordinance No. 00-11-01, Article IV, Section 8.13(C)(1).
 - a. *Primary Directional*: A directional sign providing property wide directional information and office park identity.
 - b. *Secondary Directional*: A directional sign providing “regional” directional information and office park identity.
 - c. *Tertiary Directional*: A directional sign providing “local” directional information and office park identity.
2. Size
 - a. *Primary Directional*: Not to exceed eight (8) feet nine (9) inches in height and fifty-eight (58) square feet per sign face.
 - b. *Secondary Directional*: Not to exceed six (6) feet six (6) inches in height and thirty-four (34) square feet per sign face.
 - c. *Tertiary Directional*: Not to exceed four (4) feet three (3) inches in height and sixteen (16) square feet per sign face.
3. Location – Minimum front yard setback is fifteen (15) feet from back of curb.
4. Other conditions –
 - a. Sign quantities are as follows:
 1. *Primary Directional*: Shall be located adjacent to public thoroughfares to provide property wide directional information. Primary directional signs shall be located at the intersections of Gaylord Parkway and Network Boulevard, Gaylord Parkway and

Communications Path, and Network Boulevard and Internet Boulevard only. A maximum of three (3) directional signs are permitted per designated intersection.

2. *Secondary Directional:* Shall be located adjacent to public thoroughfares to provide “regional” directional information. A maximum of two secondary directional signs (one sign for each side of the street) may be located along the portion of street located between streets intersecting with the street on which the sign is located.
3. *Tertiary Directional:* Shall be located on individual lots to provide “local” directional information. A maximum of three (3) tertiary directional signs are permitted per lot.

- b. Where sign illumination is provided, said illumination shall be fully shielded, in-grade floodlights, which emit pin-pointed light only.

B. Monument Signs

1. Definition – The following definitions and requirements shall replace the definition and requirements for monument signs afforded by Comprehensive Zoning Ordinance No. 00-11-01, Article IV, Section 8.13(D)(1). Berms, plant boxes, or other methods to increase the height of the sign shall be included in the height of the sign.
 - a. *Office Park Identity:* A monument sign displaying the office park identity and its identity symbol only.
 - b. *Building Identity:* A monument sign displaying the building identity, tenant identities and office park identity symbol.
 - c. *Sculpture Garden Identity:* A monument sign displaying the sculpture garden identity and including a sculpture location map designed and placed for pedestrian traffic visibility.
2. Size –
 - a. *Office Park Identity:* Not to exceed seven (7) feet in height and one hundred ninety-five (195) square feet per sign face.
 - b. *Building Identity:* Not to exceed five (5) feet in height and forty (40) square feet per sign face.
 - c. *Sculpture Garden Identity:* Not to exceed six (6) feet in height and fifty-three (53) square feet per sign face.

3. Location – Minimum front yard setback is fifteen (15) feet from back of curb.
4. Other conditions –
 - a. *Office Park Identity:* Two (2) office park identity monuments shall be permitted within the planned development.
 - b. *Building Identity:* Two (2) building identity monuments are permitted per lot.
 - c. *Sculpture Garden Identity:* A maximum of one sculpture garden identity sign is permitted per sculpture garden.
 - d. Where sign illumination is provided, said illumination shall be fully shielded, in-grade floodlights, which emit pin-pointed light only.

C. Miscellaneous Signs

1. Definitions -
 - a. *Street Identity:* A monument sign displaying the street identity and office park identity symbol.
 - b. *Sculptures:* Any sculptures to be constructed in the right-of-way will require City Council review and approval. In addition, a maintenance and indemnification agreement must be executed between the developer and the City of Frisco.
2. Size –
 - a. *Street Identity:* Not to exceed eleven (11) feet in height and seventy-two (72) square feet per sign face. Message panel shall not exceed nine (9) square feet per sign face with the balance of square footage being base and decorative elements.
 - b. *Sculptures:* Subject to City Council review and approval.
3. Location -
 - a. *Street Identity:* Shall be located at intersections of public streets or ways in locations approved by the City.
4. Other conditions –
 - a. Where sign illumination is provided, said illumination shall be fully shielded, in-grade floodlights, which emit pin-pointed light only.

EXHIBIT "D"

EXHIBIT "D"

EXHIBIT "E"
DEVELOPMENT SCHEDULE